

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 16, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on June 16, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Council Vice President Morelli moved that the minutes of May 2<sup>nd</sup>, May 3<sup>rd</sup> and May 5<sup>th</sup>, 2005 be approved. This motion was seconded by Council President Pernice and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council Vice President Morelli moved that the minutes of May 19<sup>th</sup>, 2005 be approved. This motion was seconded by Council President Pernice and the minutes were passed on a

roll call vote of 3 - 0 in favor with Councilman Cantor and Councilman Denkensohn abstaining.

Regarding Item #9 (Public Hearing - Community Development Program Application) - On behalf of Public Works Director Robert DiMarco, Business Administrator Judith Tiernan explained that the grant application consists of an improvement project to the Senior Center on Texas Road. Council President Pernice opened the Public Hearing. The Public Hearing was closed after all those who wished to speak were finished commenting.

Council President Pernice opened the Public Hearing on Ordinance # 2005-21 (Authorizing Leasing of Certain Equipment - MCIA). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-238/Ord.# 2005-21 (Authorizing Leasing of Certain Equipment - MCIA) was introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-238

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-21

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN  
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,  
NEW JERSEY FROM THE MONMOUTH COUNTY  
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A  
LEASE AND AGREEMENT RELATING THERETO

which was introduced on June 2, 2005, public hearing held June 16, 2005, be adopted on second and final reading this 16th day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2005-21

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN  
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,  
NEW JERSEY FROM THE MONMOUTH COUNTY

IMPROVEMENT AUTHORITY AND THE EXECUTION OF A  
LEASE AND AGREEMENT RELATING THERETO.

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro (the Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease") a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$535,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

2005 CAPITAL LEASE ORDINANCE			
Participant: Township of Marlboro			
Equipment	Useful Life (Years)	Lease Term (Years)	Acquisition Cost
Police Vehicles	3	3	400,000.00
Computer Equipment	3	3	100,000.00
Total Cost of Equipment			500,000.00

Council President Pernice opened the Public Hearing on Ordinance # 2005-22 (Traffic Regulations - Kensington Gate). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2005-239/Ord.# 2005-22 (Traffic Regulations - Kensington Gate) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-239

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-22

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO KENSINGTON GATE DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

which was introduced on June 2, 2005, public hearing held June 16, 2005, be adopted on second and final reading this 16th day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-23 (Prohibiting Sex Offenders from residing within 2,500 feet of any School, Park, etc.). As there was no one who wished to speak, the Public Hearing was closed. The following Res. # 2005-240/Ord.# 2005-23 (Prohibiting Sex Offenders from Residing Within 2,500 feet of any School, Park, etc.) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-240

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-23

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 10 "DRUG-FREE ZONES" TO INCLUDE A NEW ARTICLE ENTITLED "SEX OFFENDER RESIDENCY PROHIBITION"

which was introduced on June 2, 2005, public hearing held June 16, 2005, be adopted on second and final reading this 16th day of June, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2005-241/Ord.# 2005-24 (Amendment to LOSAP) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining, as he recused himself from voting on this ordinance.

RESOLUTION # 2005-241

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 "LENGTH  
OF SERVICE AWARDS PROGRAM",  
APPENDIX A "LOSAP POINT SYSTEM"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 14, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE #2005-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER  
21 "LENGTH OF SERVICE AWARDS PROGRAM",  
APPENDIX A "LOSAP POINT SYSTEM"

WHEREAS, Chapter 21 of the Code of the Township of Marlboro establishes a Length of Service Awards Program (the "LOSAP") to reward members of the Marlboro First Aid Squad and the Morganville First Aid Squad, all of whom are volunteers, for their loyal, diligent and devoted services to the residents of the Township of Marlboro; and

WHEREAS, under the LOSAP, the Township provides for the funding of fixed annual contributions to a deferred-income account for each active volunteer member who meets the eligibility requirements, which include, among others, the requirement that the member earn the minimum number of points for performing certain volunteer services on a yearly basis as set forth in Appendix A "LOSAP Point System" to Chapter 21; and

WHEREAS, the LOSAP Committee has recommended that certain changes be made to the LOSAP Point System in order to distribute points in a manner which more accurately reflects the contribution that has been made by certain active volunteer members; and

WHEREAS, the Mayor and Township Council are desirous of making the suggested changes in order to further the stated purposes of the LOSAP.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Appendix A "LOSAP Point System" of Chapter 21 "Length of Service Awards Program" of the Code of the Township of Marlboro be and hereby is amended as follows:

Subsection (1) "Ambulance calls" shall be amended to replace "75 points maximum" with "80 points maximum" and to include the following under Marlboro First Aid Squad: "Week-end Duty Crew: 1 point per day."

Subsection (2) "Drills" shall be amended in its entirety to state as follows: "Drills: 12 points maximum; one (1) point per drill will be credited for participation in seminars, special drills and in-house drills."

Subsection (5) "Meetings" shall be amended to state in its entirety as follows: "Meetings: 12 points maximum; one (1) point per meeting will be credited for attendance at regular monthly and special meetings."

Subsection (6) "Miscellaneous activities" shall be amended to include "Township related events" as one of the activities that are eligible for credit.

A subsection (7) shall be added to read as follows: "Years of Prior Service: 20 points maximum; one (1) point for each year of prior service."

A subsection (8) shall be added to read as follows: "Pro-Rated LOSAP: In the event that an active volunteer member must take a medical or maternity leave (as defined in the applicable bylaws) of three (3) months or greater, that member will still be eligible for a pro-rated contribution towards his or her LOSAP account. The 100 point annual requirement shall be reduced by two (2) points for each week that the member is on medical or maternity leave resulting in the "Adjusted Point Requirement." If a member meets the Adjusted Point Requirement, he or she shall be entitled, if all other eligibility requirements are satisfied, to a pro-rated

contribution to his or her LOSAP account in the amount of the Adjusted Point Requirement divided by 100 multiplied by the annual LOSAP contribution."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-242/Ord.# 2005-25 (Rezoning Certain Lots to the C-1 Village Commercial District) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-242

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-25

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-1 VILLAGE COMMERCIAL DISTRICT.

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 14, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be



given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-25

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-1 VILLAGE COMMERCIAL DISTRICT.

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the C-1 Village Commercial District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 213, Lots 43, 44.01, the portion of Lot 49.02 adjacent to the easterly boundaries of

Lots 43 and 44.01, within Block 213.01, the northern portion of Lot 44 and the portion of Block 213.01, Lot 49.01 adjacent to the easterly Boundary of Lot 44, and Block 214, Lot 46 from the LI Light Industrial District and so as to include said tax lots in the C-1 Village Commercial District. Delete the premises designated as Block 213, Lots 41, 42, the portion of Lot 49.02 adjacent to the easterly boundary of Lot 42 from the OPT2 Office-Professional-Transitional District-2 and so as to include said tax lots in the C-1 Village Commercial District. Delete the easterly portion of the premises designated as Block 225, Lot 227 from the SCPR-II Stream Corridor Preservation Residential District and so as to include said tax lot in the C-1 Village Commercial District.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

At 9:50pm, Council took a 10-minute break.

The following Res. # 2005-243/Ord.# 2005-26 (Rezoning Certain Lots to the C-3 Community Commercial District) was discussed. After discussion, Councilman Denkensohn moved to table the resolution/ordinance to the July 14<sup>th</sup> meeting.

Motion to table was seconded by Councilman Mione and was passed on a roll call vote of 4 - 1 in favor of tabling, with Council Vice President Morelli voting no.

The following Res. # 2005-244/Ord.# 2005-27 (Rezoning Certain Lots to the CS Community Service District) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-244

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-27

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE CS COMMERCIAL SERVICE DISTRICT."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 14, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-27

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE CS COMMERCIAL SERVICE DISTRICT."

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the CS Commercial Service District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 153, Lots 11, 12, 13, and 14 from the R-80 Residential District and so as to include said tax lot within the CS Commercial Service District.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-245/Ord.# 2005-28 (Rezoning Certain Lots to LC Land Conservation District) was discussed. After discussion, Councilman Cantor moved to table the resolution/ordinance to the July 14<sup>th</sup> meeting. Motion to table was seconded by Councilman Denkensohn was passed on a roll call vote of 4 - 1 in favor of tabling, with Council Vice President Morelli voting no.

The following Res. # 2005-246/Ord.# 2005-29 (Rezoning Certain Lots to the A/LC Agriculture/Land Conservation District) was introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-246

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-29

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE "A/LC AGRICULTURE/LAND CONSERVATION DISTRICT".

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 14, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-29

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B  
ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE  
DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP  
OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE  
"A/LC AGRICULTURE/LAND CONSERVATION DISTRICT".

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the A/LC Agriculture/Land Conservation District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Code of the Township of Marlboro shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 214, Lot 42 from the LC Land Conservation District and so as to include said lot within the A/LC Agriculture/Land Conservation District. Delete the premises designated as Block 214, Lot 49 from the LI Light Industrial District and so as to include said lot within the A/LC Agriculture/Land Conservation District.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2005-228 (carried from mtg. 6/2) Supporting Assembly Bill 4065, 4066 & 4067) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-228

A RESOLUTION SUPPORTING VARIOUS BILLS PENDING IN  
THE NEW JERSEY LEGISLATURE AIMED AT PROTECTING  
CHILDREN FROM SEX OFFENDERS

WHEREAS, the children of the Township of Marlboro are our greatest resource and all possible precautions must be taken to ensure that they are protected from harm, including that inflicted by sex offenders; and

WHEREAS, the New Jersey Legislature is currently considering Assembly Bill No. 4065 which would prohibit sex offenders from residing within 1,000 feet of an elementary or secondary school, playground or child care center; and

WHEREAS, the New Jersey Legislature is also considering Assembly Bill No. 4066 which would require the Attorney General to prepare a pamphlet to educate children about pedophile crimes and how to reduce their chances of becoming victims of such crimes; and

WHEREAS, the New Jersey Legislature is also considering Assembly Bill No. 4067 which would require the

Parole Board to establish and implement an electronic monitoring system that would track all high risk sex offenders registered under Megan's law whose victim was under 13 years of age; and

WHEREAS, the Mayor and the Township Council believe that Assembly Bill Nos. 4065 (with the modification identified below), 4066 and 4067 (collectively referred to as the "Sex Offender Bills") are important and necessary legislation and would provide further protection for the children of the Township of Marlboro from sex offenders; and

WHEREAS, although the Mayor and the Township Council generally support Assembly Bill No. 4065 which would prohibit sex offenders from residing within 1,000 feet of an elementary or secondary school, playground or child care center, they believe the legislation should be amended to prohibit sex offenders from residing within 2,500 feet of such locations.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby declares its support of the Sex Offender Bills, with an amendment to Assembly Bill No. 4065 changing the limitation from 1,000 feet to 2,500 feet, and urges the New Jersey Legislature to enact the same; and

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this resolution to the Legislators representing the Township of Marlboro and Acting Governor Richard J. Codey with a request that they assist in any way possible to ensure that the Sex Offender Bills are adopted.

The following Resolution # 2005-247 (Endorsing NJDOT Pipeline III Project) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 1 with Councilman Denkensohn voting no (Absent: Morelli).

RESOLUTION # 2005-247

A RESOLUTION SUPPORTING THE NEW JERSEY DEPARTMENT OF  
TRANSPORTATION'S PIPELINE III PROJECT ALONG ROUTE 9  
SOUTHBOUND BETWEEN TEXAS ROAD AND ROUTE 520



WHEREAS, the Township Engineer and the Traffic Safety Bureau have had several meetings with the New Jersey Department of Transportation ("NJDOT") concerning proposed improvements by the NJDOT in the vicinity of the Route 9 and Route 520 intersection; and

WHEREAS, the primary project is the physical improvements to the aforementioned intersection, however, an ancillary proposed improvement is the construction of an additional third southbound lane and shoulder to run the full length of Route 9 southbound between Texas Road and Route 520 (the "Pipeline III Project"); and

WHEREAS, the Township Engineer and the Traffic Safety Bureau have reviewed the Pipeline III Project and recommend that the Township Council support said project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey hereby declares its support of the Pipeline III Project; and

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this Resolution to the New Jersey Department of Transportation.

The following Resolution # 2005-248 (Approval of item of Revenue) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-248

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND  
APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby request the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$100,000.00, which item is now available as a revenue from the 2005 Statewide Livable Communities Grant for renovations to Woodcliff Park pursuant to the provision of the Statute, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$100,000.00 is hereby appropriated under the caption "Renovations to Woodcliff Park".

The following Resolution # 2005-249 (Renewal of Liquor Licenses - BTA, LLC (Pinos) & 476 Route 520 Corp. (SamVera) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-249

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2005 through June 30, 2006:

B.T.A., LLC	1328 33 008 005
448 Route 9 North	
476 Route 520 Corp.	1328 33 002 012
T/A SamVera	

The following Resolution # 2005-250 (Authorizing Sale of Plenary Retail Consumption License by Township) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Morelli).

RESOLUTION # 2005-250

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE  
ISSUANCE OF ONE (1) ADDITIONAL PLENARY RETAIL  
CONSUMPTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the most recent federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to three (3) additional plenary retail consumption licenses; and

WHEREAS, in furtherance thereof, on October 10, 2002, the Township Council of the Township of Marlboro adopted Ordinance No. 2002-26, which authorized the issuance of up to three (3) additional plenary retail consumption licenses for a total of twelve (12) of such licenses; and

WHEREAS, on June 26, 2003, the Township adopted Resolution #2003-182 authorizing the issuance of a plenary retail consumption license to AJR Restaurant Corp.; and

WHEREAS, the Mayor and Township Council, having considered the same, now wish to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption licenses and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license.

BE IT FURTHER RESOLVED that it is the intent of the Mayor and Township Council to attract bidders interested in utilizing the plenary retail consumption license in a restaurant (as defined in *N.J.S.A. 33:1-1(t)*).

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. All bidders must be pre-qualified and only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:00 A.M. on July 25, 2005, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey in a sealed envelope stating the name of the bidder and "2005 Liquor License Bid":

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate Certification of Proof of Compliance by the prospective bidder that it meets any and all conditions or requirements contained in this Resolution, including that the license will be used in conjunction with a restaurant which shall be a minimum of 3,500 square feet and have at least one hundred (100) seats, to be located on Route 9, Route 79 or Route 34 in the Township and knows of no reason why he or she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder;

(c) A separately sealed envelope with the prospective bidder's deposit fee of \$70,000.00 (by bank

check or certified check) which shall be non-refundable to the successful bidder after the award of bid; and

(d) Bid proposal.

3. The minimum bid for the plenary retail consumption license is \$700,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. At 3:00 P.M. on July 25, 2005, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

5. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 10:00 A.M. on August 1, 2005 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

6. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" upon the earlier of the following: (i) the issuance of a Certificate of Occupancy; or (ii) by February 1, 2006, whichever occurs first. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

7. The sale may be postponed or canceled at any time prior to the opening of the bids.

8. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2-1 et seq.*, including, but not limited to, publication of notice of application.

9. If no new license shall have been issued pursuant to this Resolution by February 1, 2006, no new license shall thereafter be issued without further Resolution of the Township Council determining to issue a new license and compliance again with *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with *N.J.S.A. 33:1-19.4.*

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Chief Financial Officer
- c. Gluck Walrath LLP

The following Resolution # 2005-251 (Authorizing Issuance of Fireworks Display Permit - June 26, 2005) was introduced by reference, offered by Councilman Mione,

seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-251

RESOLUTION AUTHORIZING THE ISSUANCE OF A  
FIREWORKS DISPLAY PERMIT TO BAY FIREWORKS, INC.

WHEREAS, N.J.S.A. 21:3-1, *et. seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the chiefs of the police and the fire departments of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, Bay Fireworks, Inc. has applied for a permit to conduct a fireworks display within the Township of Marlboro on June 26, 2005 upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable administrative code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to Bay Fireworks, Inc. to conduct a fireworks display on June 26, 2005 within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief(s) of the Police and Fire Department(s) in accordance with the above; and

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of

insurance in a sum of not less than twenty-five hundred dollars (\$2,500.00), N.J.S.A. 21:3-4.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. The Chief(s) of the Police and Fire Department(s).
2. The Fire Prevention Bureau.
3. Township Business Administrator.

The following Resolution # 2005-252 (Award of Bid - Voice Logger) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-252

A RESOLUTION AWARDING A CONTRACT TO QUALITY COMMUNICATIONS AND ALARM CO., INC. TO PROVIDE AND INSTALL A COMPUTER BASED MULTI-CHANNEL VOICE-LOGGIN DIGITAL RECORDING SYSTEM FOR THE TOWNSHIP OF MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision and installation of a computer based multi-channel voice-loggin digital recording system for the Township of Marlboro Division of Police; and

WHEREAS, four bids were received as follows:

1. Quality Communications and Alarm Co., Inc., Attn: Matthew Haber, 1985 Swarthmore Avenue, Lakewood, New Jersey 08701 for a total amount of \$15,710.00;
2. Micro Strategies, Inc., Attn: Anthony Bongiovanni, 104 Broadway, Denville, New Jersey 07834 for a total amount of \$18,052.50;
3. Office Business Systems, Inc., Attn: Timothy J. Smith, 1 Chapin Road, Pine Brook, New Jersey 07058 for a total amount of \$22,729.00; and
4. AAT Communications Systems Corporation, Attn: Joseph P. Amodea, 3030 Veterans Road west, Staten Island, New York 10309 for an Offer #1 of \$26,958.00 and an Offer #2 of 23,819.00; and



WHEREAS, Administration, the Division of Police and the Township Attorney have reviewed the bids received and recommend that the aforementioned contract be awarded to Quality Communications and Alarm Co., Inc. as the lowest responsive bidder.

WHEREAS, the Chief Financial Officer of the Township has certified that sufficient funds are available to pay the cost of the aforesaid contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be and hereby is awarded to Quality Communications and Alarm Co., Inc. for the provision and installation of a computer based multi-channel voice-loggin digital recording system for the Township of Marlboro Division of Police and that the Mayor is hereby authorized to execute a contract between the Township of Marlboro and Quality Communications and Alarm Co., Inc., in a form legally acceptable to the Township Attorney, for a total amount of \$15,710.00 and in accordance with the bid proposal submitted by Quality Communications and Alarm Co., Inc. and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications and Alarm Co., Inc.
- b. Chief of Police
- c. Chief Financial Officer
- d. Business Administrator
- e. Gluck Walrath LLP

The following Resolution # 2005-253 (Authorizing Drug Alliance/D.D.D.R. Plan) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-253

RESOLUTION AUTHORIZING THE MARLBORO TOWNSHIP ALLIANCE  
TO PREVENT ALCOHOLISM AND DRUG ABUSE TO APPLY  
FOR THE 2006 GRANT

WHEREAS, the Marlboro Township Alliance to Prevent Alcoholism and Drug Abuse provides a wide range of

educational services to the residents of Marlboro Township for the prevention of alcohol and drug abuse; and

WHEREAS, the Alliance to Prevent Alcoholism and Drug Abuse requires funding from the Monmouth County Board of Alcohol and Drug Abuse Services in order to continue to provide these services to the residents of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Township Council of the Township of Marlboro that the appropriate municipal officials be and are hereby authorized to execute the 2006 Renewal Application for Funds and Services on behalf of the Alliance to Prevent Alcoholism and Drug Abuse for the purpose of obtaining funding for the provision of programs for the prevention of and education regarding alcohol and drug abuse, a copy of which is on file in the Township Clerk's office and available for public inspection; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward executed copies of the Agreement to the Monmouth County Board of Alcohol and Drug Abuse Services.

The following Resolution # 2005-254 (Authorizing ROID Grant - Special Therapeutic Recreation) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

#### RESOLUTION # 2005-254

WHEREAS, the Township of Marlboro desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for funding in the amount of \$7,000, State with \$1,750 local share for a total contract of \$8,750 for 2006 to carry out a program for special therapeutic recreation.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey Department of Community Affairs, and does further, upon the execution of such a contract, authorize

the expenditure of such funds pursuant to the terms of said contract between the Township of Marlboro and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and they are hereby authorized and directed to sign the application, the contract and any other documents necessary in connection therewith.

The following Resolution # 2005-255 (Authorizing COPS Grant) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-255

RESOLUTION AUTHORIZING A GRANT APPLICATION  
FOR THE UNITED STATES DEPARTMENT OF JUSTICE  
SECURE OUR SCHOOLS PROGRAM

WHEREAS, the United States Department of Justice provides federal assistance ("grants") to local jurisdictions; and

WHEREAS, the Township of Marlboro wishes to further the public interest by obtaining a grant in the amount of \$470,000.00 from the United States Department of Justice, with the requirement of a \$235,000.00 local match.

WHEREAS, this grant will be available through the COPS Secure Our Schools Program for a closed circuit and monitoring system; and

WHEREAS, the Federal Department of Justice shall determine if the application is complete and in conformance with the scope and intent of the Secure Our Schools Program, and notify the Township of the amount of the funding award; and

WHEREAS, the Township is agreeing to use the Federal funds in accordance with such applicable rules, regulations and statutes, and is willing to match the grant received in an amount of \$235,000.00 (subject to 2006 Budget adoption), contingent upon the contributions of the local and regional school districts.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to any necessary documents, which shall be in a form acceptable to the Township Attorney, which may be required in connection with the aforesaid grant application process.

2. That the Township agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project.

3. That a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator
- b. Chief Financial Officer

The following Resolution # 2005-256 (Authorizing Settlement Agreement - Crusader Servicing Corp. v. Township of Marlboro) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-256

A RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN THE MATTER OF CRUSADER SERVICING CORPORATION v. TOWNSHIP OF MARLBORO,  
DOCKET NO. L-404-04

WHEREAS, on or about January 26, 2004, Crusader Servicing Corporation ("Crusader") filed a complaint with the New Jersey Superior Court asserting certain claims arising from its purchase of an allegedly invalid tax lien from Marlboro Township (the "Township") on April 22, 1999, (Crusader v. Marlboro Township, Docket No. L-404-04, herein the "Litigation"); and

WHEREAS, on or about March 18, 2004, the Township filed an Answer; and

WHEREAS, on or about May 24, 2004, Crusader filed an amended Complaint which joined Marlboro Memorial Cemetery (the "Cemetery") to the action as co-defendant; and, on or

about June 14, 2004, the Township cross-claimed against the Cemetery in New Jersey Superior Court; and

WHEREAS, as a result of negotiations between Crusader and the Township a settlement agreement has been reached to resolve the claims in the Litigation between Crusader and the Township, the terms and conditions of which are set forth more fully within the Settlement Agreement which is attached hereto and is made a part hereof; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to agree to settle the Litigation against Crusader pursuant to the terms and conditions set forth within the Settlement Agreement to avoid the cost and uncertainty of further prosecution and defense of the claims asserted or which could have been asserted in the Litigation and by this Settlement Agreement, the Township intends in good faith to resolve all such claims by and between Crusader and the Township without the cost and risk of further litigation and ultimate trial and without admitting any liability.

NOW, THE REFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the settlement of the Litigation between Crusader and Township pursuant to the terms and conditions set forth within the Settlement Agreement is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute the Settlement Agreement in a form substantially similar to that attached hereto, and that the Mayor be and hereby is also authorized to execute a Release in a form acceptable to the Township Attorney and to take all steps necessary to comply with the terms and conditions of the Settlement Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Robin London-Zeitz, Attorney for Crusader
- b. Township Administrator
- c. Gluck Walrath, LLP.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and

passed on a roll call vote of 5 - 0 in favor: Res. #2005-257 (Award of Contract - Grid & Ceiling Tiles), Res. #2005-258 (Award of Contract - Grates & Curbs), Res. #2005-259 (Authorizing Extension of Contract - Lawn Maint.), Res. #2005-260 (Authorizing Extension of Contract - Lawn Cutting), Res. #2005-261 (Authorizing Extension of Contract - Lawn Chemicals), Res. #2005-262 (Redemption Tax Sale Certs. - Various), Res. #2005-263 (Refunds for Overpayments - Various), Res. #2005-264 (Refunds to WMUA - Various), Res. #2005-265 (Veteran Deductions), Res. #2005-266 - Senior Citizen Ded. - B. 378, Lot 24, Res. #2005-267 - Cancelling Taxes - B. 101, Lot 17.06), Res. #2005-268 (Cancelling Taxes - Various).

RESOLUTION #2005-257

RESOLUTION AUTHORIZING THE PURCHASE OF CEILING  
TILES AND GRIDS FOR THE MUNICIPAL COMPLEX  
RENOVATION PROJECT

WHEREAS, the Marlboro Township Department of Public Works contacted certain companies to request estimates for the purchase of 2x2 white commercial ceiling tiles and grids; and

WHEREAS, the Department of Public Works received the following estimates:

1. Harry W. Hurley & Sons, Inc., Wall, New Jersey - \$7,600.00
2. Jaeger Lumber Co., Matawan, New Jersey - \$9,135.47

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Public Works have reviewed the estimates received and recommend that a contract be awarded to Harry W. Hurley & Sons, Inc. for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-943-901 and X-04-55-944-901 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of 2x2 white commercial ceiling tiles and grids from Harry W. Hurley & Sons, Inc., 3304 Belmar Blvd., Wall, NJ 07719; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Harry W. Hurley & Sons, Inc., Wall, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-258

RESOLUTION AUTHORIZING THE PURCHASE OF CATCH  
BASIN BICYCLE GRATES AND CURB BACKS FOR THE  
TOWNSHIP OF MARLBORO 2005 ROAD PROGRAM

WHEREAS, the Marlboro Township Department of Public Works contacted certain companies to request estimates for the purchase of catch basin bicycle grates and curb backs; and

WHEREAS, the Department of Public Works received the following estimates:

1. Campbell Foundry, Harrison, New Jersey -  
\$9,900.00
2. East Jordan Iron Works, Middletown, Delaware -  
\$10,080.00
3. Garden State Highway Inc., Vineland, New Jersey  
- \$15,390.00

4. Bridgestate Foundry Corp., Berlin, New Jersey - \$10,260.00

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$17,500.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Public Works have reviewed the estimates received and recommend that a contract be awarded to Campbell Foundry, Harrison, New Jersey for the purchase of the aforementioned item; and

WHEREAS, funds are available in Capital Account Number X-04-55-955-913 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase of catch basin bicycle grates and curb backs from Campbell Foundry, 800 Bergen Street, Harrison, NJ 07029; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Campbell Foundry, Harrison, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

#### RESOLUTION # 2005-259

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND SHAMROCK LAWN & LANDSCAPE, INC. FOR THE PROVISION OF GROUNDS MAINTENANCE SERVICES FOR THE TOWNSHIP OF MARLBORO SWIM DIVISION

WHEREAS, by Resolution #2004-143, dated April 29, 2004, the Township of Marlboro awarded a one-year contract to Shamrock Lawn & Landscape, Inc. to provide general



grounds maintenance for the Marlboro Swim Club, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2004-143, the parties entered into a contract for the provision of grounds maintenance services dated April 29, 2004 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Shamrock Lawn & Landscape, Inc.; and

WHEREAS, Administration and the Township of Marlboro Swim Division have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Shamrock Lawn & Landscape, Inc.; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Shamrock Lawn & Landscape, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Shamrock Lawn & Landscape, Inc. and authorized by Resolution #2004-143; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Shamrock Lawn & Landscape, Inc.
- b. Township Administrator
- c. Swim Division
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-260

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE  
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND  
VACCARELLA GROUP FOR THE PROVISION OF LAWN  
CUTTING SERVICES FOR THE TOWNSHIP OF MARLBORO  
SWIM DIVISION

WHEREAS, by Resolution #2004-142, dated April 29, 2004, the Township of Marlboro awarded a one-year contract to Vaccarella Group to provide lawn cutting for the Marlboro Swim Club, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2004-142, the parties entered into a contract for the provision of lawn cutting services dated April 29, 2004 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Vaccarella Group; and

WHEREAS, Administration and the Township of Marlboro Swim Division have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Vaccarella Group; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Vaccarella Group for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Vaccarella Group and authorized by Resolution #2004-142; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Vaccarella Group
- b. Township Administrator
- c. Swim Division
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-261

A RESOLUTION APPROVING A ONE-YEAR RENEWAL OF THE  
CONTRACT BETWEEN THE TOWNSHIP OF MARLBORO AND  
PIONEER LAWN & LANDSCAPING, INC. FOR THE  
PROVISION OF LAWN CHEMICALS AND SEEDING SERVICES  
FOR THE TOWNSHIP OF MARLBORO SWIM DIVISION

WHEREAS, by Resolution #2004-141, dated April 29, 2004, the Township of Marlboro awarded a one-year contract to Pioneer Lawn & Landscaping, Inc. to provide lawn chemicals and seeding services; for the Marlboro Swim Club, as set forth in the bid proposal on file with the Township; and

WHEREAS, pursuant to the authorization provided by Resolution #2004-141, the parties entered into a contract for the provision of lawn chemicals and seeding services dated April 29, 2004 (the "Contract"), which is attached hereto and made a part hereof; and

WHEREAS, in accordance with the bid specifications and the terms and conditions of the Contract, the Township of Marlboro reserved the exclusive option to renew any components of the Contract for an additional one-year period on the same terms and conditions specified in the bid proposal submitted by Pioneer Lawn & Landscaping, Inc.; and

WHEREAS, Administration and the Township of Marlboro Swim Division have recommended that the Township Council approve the renewal of the Contract for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Pioneer Lawn & Landscaping, Inc.; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said renewal of the Contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the

Mayor is hereby authorized to renew the Contract between the Township of Marlboro and Pioneer Lawn & Landscaping, Inc. for a period of one year upon the same terms and conditions specified in the bid proposal submitted by Pioneer Lawn & Landscaping, Inc. and authorized by Resolution #2004-141; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Pioneer Lawn & Landscaping, Inc.
- b. Township Administrator
- c. Swim Division
- d. Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

RESOLUTION # 2005-262

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$101,330.72 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$101,330.72 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
03-34	412/219	Richard Simon, Trustee, LLC	\$22,149.46
	42 Hummingbird Ct.	P.O. Box 238 Northfield, NJ 08225-0238	
04-25	176/7 C0969	James Pilewski	831.07
	969 Lily Court	346 South Avenue Fanwood, NJ 07023	
05-12	146/34	Wachovia Cust. for	7,654.75
	318A Tylers Lane	Plym Pk Tax Services P.O. Box 2288 Morristown, NJ 07962-2288	

05-18	180/15	Crusader Servicing Corp.	41,014.76
	184 Route 520	179 Washington Lane	
		Jenkintown, PA 19046	
05-29	352/9	Crusader Servicing Corp.	27,119.73
	6 Dickson Road	179 Washington Lane	
		Jenkintown, PA 19046	
05-31	120.02/30	Berkshire Investment I, LLC	720.67
	144 Bramble Drive	c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
05-34	173/7 C0388	Nasdom, LLC	706.19
	388 Hampton Place	1527 E. 35 Street	
		Brooklyn, NY 11234	
05-36	178/290	Nasdom, LLC	145.56
	C0221	1527 E. 35 Street	
	221 Hidden Lake Dr.	Brooklyn, NY 11234	
05-43	412/260	Culmac, Inc.	145.56
	10 Skylark Ct.	P.O. Box 251	
		Monmouth Beach, NJ 07750	
05-44	412.04/12	Berkshire Investment I, LLC	640.14
	40 Kingfisher Ct.	c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
05-46	176/7 C1119	Josef Hoffmann	202.83
	1119 Roseberry Ct.	326 Shady Lane	
		Trenton, NJ 07751	
TOTAL:			<u>\$101,330.72</u>

RESOLUTION # 2005-263

WHEREAS, the attached list in the amount of \$17,041.54 known as Schedule "A", is comprised of amounts representing overpayments for 2005 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
113	7	James & Gail Powderly	\$ 250.00
22 John Street		22 John Street Morganville, NJ 07751	
120.02	15	First American Tax Service	2,286.59
418 Ironwood Lane		Refund Dept. MS 300 1201 Elm Street, Suite 400 Dallas, TX 75270-9987 Re: Gerald Begrowicz & Resa Bellan	
159	3.31	Countrywide Home Loans	3,462.37
210 Independence Way		5V-24, Suite 300 1757 Tapo Canyon Road Simi Valley, CA 93063 Re: Corey & Lena Ackerman	
173	7 C0118	GMAC Mortgage	1,070.91
118 Radcliffe Pl.		Attn: Tax Refunds 3451 Hammond Avenue Waterloo, IA 50702 Re: Jong Chan & Jeong Ah Park	
193.13	21	Samoil & Ida Blokh	96.51
262 Sunderland Ct.		262 Sunderland Court Marlboro, NJ 07746	
248	5	Aleksey & Olga Kretov	2,241.42
7 Tharp Lane		7 Tharp Lane Marlboro, NJ 07746	
351	26	Tae Hui Kim	1,645.85
2 Brandon Road		2 Brandon Road Marlboro, NJ 07746	
360.02	18.12	First American Tax Service	2,708.11
9 Clymer Court		Refund Dept. MS 300 1201 Elm Street, Suite 400 Dallas, TX 75270-9987 Re: Morris & Karen Lener	

360.02	18.49	Valley National Bank	580.88
8 Wolcott Court		Attn: Rupa Agrawal	
		1460 Valley Road	
		Wayne, NJ 07470	
		Re: Peter Nguyen & Susan Tran	
360.02	18.66	Angelo & Vicky Fraggos	761.25
54 Rutledge Road		54 Rutledge Road	
		Marlboro, NJ 07746	
402	5	Arthur & Diane A. Roby	1,937.65
16 Cannonade Dr. W.		16 Cannonade Drive West	
		Marlboro, NJ 07746	
TOTAL:			<u>\$ 17,041.54</u>

RESOLUTION # 2005-264

WHEREAS, current sewer charges totaling \$2,033.66 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$2,033.66 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#98-2	105/3	Ronko Developers, Inc.	\$243.83
14 Thomas Lane			
TSC#03-54	305/190	American Tax Funding, LLC	117.18
11 Regina Road			
TSC#05-16	173/7 C0386	Fidelity Tax, LLC	205.88
386 Hampton Place			
TSC#05-31	120.02/30	Berkshire Investment, LLC	80.99
144 Bramble Drive			
TSC#05-32	143.03/2	Berkshire Investment, LLC	167.51
160 Woodcliff Blvd			
TSC#05-33	150/1	Berkshire Investment, LLC	164.47
457 Route 79			

TSC#05-38	193.09/10	NASDOM, LLC	249.85
23 Pueblo Ct.			
TSC#05-39	246/4	Michael Mastellone	136.99
31 Calder Court			
TSC#05-40	255/21	Michael Mastellone	309.18
19 Georgian Bay Drive			
TSC#05-42	346/1	Berkshire Investment, LLC	167.81
28 Collingwood Road			
TSC#05-45	176/7	C0791 NASDOM, LLC	189.97
791 Banyan Ct.			
TOTAL:			<u>\$2,033.66</u>

RESOLUTION # 2005-265

WHEREAS, Veteran deductions totaling \$1,000.00 have been granted as per the attached Schedule "A" for the year 2005,

WHEREAS, taxes for the year 2005 have unpaid balances as per the attached Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
171	66	William & Linda Tanchak	\$250.00
3 Hillside Terrace		3 Hillside Terrace	
		Morganville, NJ 07751	
364	45	Henry & Nancy Schimpf	250.00
6 Holly Hill Road		6 Holly Hill Road	
		Marlboro, NJ 07746	
365	7	Robert W. Calice	250.00
18 Yellowbrook Road		18 Yellowbrook Road	
		Marlboro, NJ 07746	



413.04	13	Matthew & Diane R. Greco	250.00
2 Erte Place		2 Erte Place	
		Marlboro, NJ 07746	
TOTAL:			<u>\$1,000.00</u>

RESOLUTION # 2005-266

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2005 for Block 378 Lot 24, located on 11 Caldwell Terrace, assessed to Joan D. Conte,

WHEREAS, taxes for the year 2005 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2005-267

WHEREAS, there are taxes for the year 2004 that remain outstanding on the following property as designated on the Marlboro Township Tax Map: Block 101, Lot 17.06, located on Dawes Drive;

WHEREAS, the aforementioned property was conveyed to the Township of Marlboro, and the Township Tax Collector has therefore recommended that the same be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2004 taxes totaling \$772.10 as stated above.

RESOLUTION # 2005-268

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the years 2003 and 2004,

WHEREAS, these Blocks and Lots are now assessed to the Township of Marlboro and are tax exempt,

WHEREAS, the Township Tax Collector has recommended that the 2003 and 2004 taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2003 taxes totaling \$7,012.01 and the 2004 taxes totaling \$7,216.14 as stated above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2003 TAXES</u>	<u>2004 TAXES</u>
155	4.01	Township of Marlboro Four Columns Dr.	\$4,865.84	\$5,007.49
155	4.17	Township of Marlboro Four Columns Dr.	2,146.17	2,208.65
			<u>\$7,012.01</u>	<u>\$7,216.14</u>
		CANCELLATION OF 2003 TAXES:	\$7,012.01	
		CANCELLATION OF 2004 TAXES:	\$7,216.14	

The following Resolution # 2005-270 (Authorizing Ratification of Contract - DPW Supervisors) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-270

RESOLUTION AUTHORIZING THE EXECUTION OF A  
COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
TOWNSHIP OF MARLBORO AND DPW SUPERVISORS

WHEREAS, the Township of Marlboro and DPW Supervisors have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between

the Township of Marlboro and DPW Supervisors in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township DPW Supervisors; and
- d. Gluck Walrath, LLP,

The following Resolution # 2005-271 (Authorizing Ratification of Contract - PBA) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-271

RESOLUTION AUTHORIZING THE EXECUTION  
OF A COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE TOWNSHIP OF MARLBORO AND PBA

WHEREAS, the Township of Marlboro and PBA have reached an agreement with respect to a successor Collective Bargaining Agreement for the term January 1, 2004 through December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute and the Township Clerk is authorized to attest to the Collective Bargaining Agreement between the Township of Marlboro and PBA in accordance with the Memorandum of Agreement on file in the Township Administrator's Office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Judith Tiernan, Business Administrator;
- b. Ulrich Steinberg, Chief Financial Officer;
- c. Marlboro Township PBA; and
- d. Gluck Walrath, LLP,

At 11:05PM, Councilman Denkensohn moved that the meeting go into executive session for reason of litigation and property acquisition. This was seconded by Council President Pernice, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-269

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 16th day of June, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation and property acquisition.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. No action will be taken following the executive session.

At 11:30PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

At 11:35PM, Council Vice President Morelli moved that the meeting be adjourned. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

MINUTES APPROVED: July 14, 2005

OFFERED BY: Denkensohn                      AYES:        5

SECONDED BY: Morelli                        NAYS:        0

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ALIDA DE GAETA  
MUNICIPAL CLERK

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JOSEPH PERNICE  
COUNCIL PRESIDENT

